

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-686-FL

LEE McNEIL,)	
)	
Plaintiff,)	
)	O R D E R
v.)	
)	
CAROLYN W. COLVIN ¹ ,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	

This matter is before the court on Plaintiff's Motion for Judgment on the Pleadings and Defendant's Motion for Remand to the Commissioner. Plaintiff's counsel has indicated that he consents to the Government's Motion for Remand.

Accordingly, for good cause shown, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and § 1383(c)(3) and remands the case to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

Upon remand, Plaintiff shall be allowed a new hearing before an administrative law judge (ALJ), and the ALJ will issue a new decision. The Clerk of Court is directed to enter a separate

¹Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should, therefore, be substituted for Commissioner Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 8TH day of April, 2013.



Louise W. Flanagan
United States District Judge